WASHINGTON STATE DEPARTMENT OF
Natural Resources

HABITAT CONSERVATION PLANNING on State-owned Aquatic Lands

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We're on the Web!
www.dnr.wa.gov/htdocs/aqr/esa/index.html

NOTE: Recreational mooring buoys are only free to landowners adjacent to state-owned aquatic lands. All others are required to get a $175 license from Washington State DNR.

DNR's Planning Efforts Continue for Endangered Species on Aquatic Lands

The Washington State Department of Natural Resources (Washington DNR) is continuing to evaluate the activities the agency performs and authorizes to help ensure compliance with the federal Endangered Species Act (ESA). We are also evaluating ways to improve environmental protection and increase certainty for lessees of state-owned aquatic lands.

One outcome of this work could be a Habitat Conservation Plan (HCP) for state-owned aquatic lands. A Habitat Conservation Plan is an agreement negotiated between the U.S. Fish & Wildlife Service, National Oceanic and Atmospheric Administration (NOAA) Fisheries, and Washington DNR. Through an HCP, Washington DNR would develop a conservation strategy to protect certain species and their habitats that are potentially negatively affected by activities Washington DNR performs and authorizes on state-owned aquatic lands. An HCP would be a long-term plan implemented to guide the management and leasing of state-owned aquatic lands for up to 50 years.

Why DNR is pursuing ESA compliance

Washington DNR manages aquatic lands across the state in marine, estuarine and freshwater environments. The agency engages in and authorizes activities that have the potential to affect species that depend on aquatic habitats during migration, foraging, breeding, and other essential activities.

Washington DNR is commited to this ESA compliance work because, as steward of aquatic lands, environmental protection is one of the agency's responsibilities. Washington DNR also acknowledges that the agency may have liability related to the Endangered Species Act because of potential negative interactions between species and their habitats, with activies the agency authorizes and performs.

Washington DNR has been taking a very close look to pinpoint how and where the activities it authorizes might affect certain species and their habitat on state-owned aquatic lands. The species of greatest concern are those that are listed as threatened or endangered under ESA.

Aquatic Lands Facts

DNR manages over 2.4 million acres of aquatic lands.

About one third of Washington's marine shorelines have been modified by human development

Eelgrass is not seaweed, but a perennial plant that blooms from June to August.

What Kinds of Activities Happen on State-Owned Aquatic Lands?

State-owned aquatic lands are leased for activities such as:

- Parks and other types of public access
- Gas and oil pipeline crossings
- Commercial clam and oyster production
- Stormwater and sewage outfalls
- Overwater structures, such as docks, piers, mooring buoys, boat ramps
- Ferry terminals

Washington DNR currently has more than 4,000 use authorizations issued to businesses, individuals, government agencies, and Tribes entitling them to use Washington's state-owned aquatic lands. Combined, these leases cover about 12,000 acres. Washington DNR's "Potential Covered Activities" technical paper describes activities that occur on state-owned aquatic lands, as well as the legal authorities associated with the activities. You can view this paper on Washington DNR's website at: http://www.dnr.wa.gov/htdocs/aqr/esa/activity.html. Washington DNR is in the process of identifying potential biological effects from these activities and developing conservation measures to address these effects.

In many cases, regulatory agencies require permits and other environmental protection processes for these activities. Compliance with the ESA often occurs through these requirements. Anyone who wants to lease state-owned aquatic lands from Washington DNR first must obtain all necessary regulatory permits.

Washington DNR particularly is interested in activities that have permitting processes that do not address compliance with ESA, which increases the potential for Washington DNR to be considered liable if an ESA violation occurs.

Featured Activity

Commercial Aquaculture

Shellfish (oysters, clams and mussels) and salmon are grown commercially on leased state-owned aquatic land, and large shellfish farming operations also occur on private tidelands. Aquaculture facilities for shellfish and salmon are found in Puget Sound, Hood Canal, Grays Harbor, Willapa Bay, and near the San Juan islands.

A variety of methods are used to culture shellfish on Washington's tidelands and in the deeper waters over bedlands. Oysters are grown both on beaches and in the waters of subtidal areas. Clams are cultivated only on beaches, and mussels are usually cultivated in the waters of subtidal areas.

Sometimes tiny "seed" oysters or clams are distributed directly onto beaches and in designated oyster beds. Special protective net bags that are placed directly on the beach also are used to hold shellfish as they grow. Some oyster growers use rafts or rack systems to suspend seed oysters on lines in open water to grow.

Mussels are also typically grown on lines suspended in the water from a raft and buoy system. New ways of growing shellfish commercially continue to be explored.

The Pacific oyster, an introduced species, accounts for most of the commercial shellfish production in Washington. Manila clams and Mediterranean mussels, also introduced species, are other shellfish that are important in commercial shellfish production.

Salmon also are raised commercially in Washington. Salmon are raised in netpens, which are groups of floating pens connected with walkways. Commercial netpen fish farming occurs in the open waters of Puget Sound where the fish are reared to market size (around 5 pounds). Atlantic salmon are raised in these facilities.

During the ESA Compliance review project currently underway, Washington DNR is evaluating the potential environmental impacts and existing ESA compliance methods related to the shellfish and salmon aquaculture activities that the agency authorizes on state-owned aquatic lands.

What species are of concern to DNR?

Of the 87 species initially considered for including in DNR's aquatic ESA compliance project, there are currently 20 species for which Washington DNR has found adequate biological information to evaluate the potential effects from activities occurring on state-owned aquatic land. Possible conservation measures to avoid, minimize, and compensate for potential negative effects also can be evaluated for these species. We refer to these as "covered" species.

Sockeye salmon. Photo by King County DNR.

Under DNR's aquatic ESA review, the 20 covered species are:

bald eagle, black tern, common loon, harlequin duck, marbled murrelet, western snowy plover, bull trout/Dolly Varden, salmon (chinook, chum, coho, pink, sockeye), coastal cutthroat, steelhead, Columbia spotted frog, northern leopard frog, western pond turtle, western toad, pinto abalone, and killer whale.

The current list of 20 covered species could expand or shrink based on findings of DNR's ongoing efforts to evaluate potential effects from activities on state-owned aquatic lands, and possible conservation measures.

Western Snowy Plover with chicks. Photo by Coal Oil Point Preserve.

A second group of 22 species includes those whose biological requirements are not as well known, and their use of state-owned aquatic lands is less clear, as are the potential effects from Washington DNR authorized activities. As additional information becomes available, these species may be added to the list of covered species, if warranted; this second group contains the brown pelican, common murre, brown rockfish, Pacific cod, northern sea otter, Olympia oyster, and 16 others.

The "Covered Species" technical paper discusses all 87 species and can be found on the web at http://www.dnr.wa.gov/htdocs/aqr/esa/species.html.

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Featured Species - Coastal Cutthroat

Photo courtesy of USFWS

Coastal cutthroat trout also are called sea-run cutthroat. These fish have complex life histories. Some never leave their freshwater streams and some are anadromous like salmon—moving between streams, estuaries and nearshore marine areas to complete their life cycle. Unlike salmon, coastal cutthroat spawn more than once. Coastal cutthroat trout spawn in small headwater streams or in the side channels of larger streams, using small gravel substrate to build nests or "redds" where they release and fertilize their eggs for incubation.

The streams used by coastal cutthroat for spawning and early rearing are generally upstream from state-owned aquatic lands, but Washington DNR is concerned about this species because during other parts of their life cycle they use habitats on DNR-managed aquatic lands. In rivers with extensive estuary systems, cutthroat may go downstream to feed in tidal sloughs, marshes, or nearshore habitats, and anadromous cutthroat frequently move back and forth between freshwater and saltwater. Coastal cutthroat feed on small schooling fishes and young crustaceans. Adult cutthroat trout can eat salmon eggs and chum salmon fry, shrimp, and other fishes. Healthy estuaries with abundant supplies of these prey species are important for the survival of cutthroat.

Stay informed - You can reach us: **On the Web:** http://www.dnr.wa.gov/htdocs/aqr/esa/index.html

E-mail: aquaticsesa@wadnr.gov

Telephone: (360) 902-1100.

Throughout 2006, ESA Team members will meet with special interest groups that would like to be involved in this project. If you would like DNR to meet with a particular group, please let us know.

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